

David M. Wirtz (9777)  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
Flextronics America, LLC  
885 Third Avenue  
New York, NY 10022-4834  
212-583-9600

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Dennis Tyson, individually and on behalf of others  
similarly situated,

Plaintiff,

-against-

Flextronic Inc.,

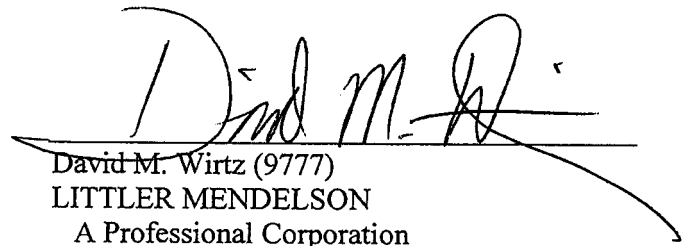
Defendant.

**Case No. 08 Civ. 4219 (WCC)**

**NOTICE OF MOTION PURSUANT TO  
FRCP RULE 12**

PLEASE TAKE NOTE THAT, upon the annexed Affidavit of Stacey Goode, dated July 2, 2008, the Affirmation of David M. Wirtz, dated July 2, 2008, and the pleadings herein, Defendant Flextronics America, LLC will move this Court, before the Honorable William C. Conner at the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4150, at a date and time to be set by the Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing the Complaint on the grounds that Defendant offered Plaintiff full relief on his Fair Labor Standards Act claim, that his Fair Labor Standards Act claim is moot, and that, consequently, the Court does not have subject matter jurisdiction over the claim.

Date: July 2, 2008  
New York, New York



David M. Wirtz (9777)  
LITTLER MENDELSON  
A Professional Corporation  
885 Third Avenue  
16th Floor  
New York, NY 10022.4834  
212.583.9600

Attorneys for Defendant  
Flextronics America, LLC

Firmwide:85575970.4 014692.1119